

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF OKLAHOMA

In RE:

DARRIN R DUNKIN  
PAMELA D DUNKIN  
Debtor(s)

)  
)  
)  
)  
)

Case No. 14-13637-JDL  
Chapter 13

**OBJECTION TO TRUSTEES MOTION TO DISMISS, MOTION TO MODIFY,  
MOTION FOR COMPENSATION FOR ATTORNEY FEES AND NOTICE OF  
OPPORTUNITY OF HEARING**

COMES NOW, the Debtor(s), DARRIN R & PAMELA D DUNKIN, by and through their attorney, Philip A. Hurtt and respectfully request the court to grant their Motion to Modify and Motion for Compensation for Attorney Fees:

1. That the Debtor(s) admit paragraph 1.
2. That the Debtor(s) admits paragraph 2 in part and denies in part of the Trustee's Motion to Dismiss. The Debtor is not trying to extend his Chapter 13 plan beyond the 60 month period.
3. That the Debtor(s) have filed an objection to the Proof of Claim filed by The Bank of New York Mellon, which was just recently filed. The debtors firmly believe that The Bank of New York Mellon are bound by the Confirmation Order in which the arrearage is listed at \$5,500.00. Their servicing agent Ocwen Loan Servicing, LLC was duly served a notice of the Bankruptcy being filed and a Notice of the 341 Meeting of Creditors and the date the meeting was to be held on. They never filed an objection to the Confirmation of the Plan. Therefore, the Debtors should not be penalized that 12 months after the filing of their Bankruptcy, they finally filed a Proof of Claim and are now trying to claim \$9,436.24 in arrearages.
4. The Debtor(s) are to be treated as current through August, 2015.
5. That plan payment should not increase at all.
6. That The Bank of New York Mellon c/o Ocwen Loan Servicing LLC be ordered to pay Counsel for the Debtor \$500.00 for the Objection to the Trustee's Motion to Dismiss.

**NOTICE OF OPPORTUNITY FOR HEARING**

**Your rights may be affected. You should read this document carefully and consult your attorney about your rights and the effect of this document.** If you do not want the Court to grant the requested relief, or you wish to have your views considered, you must file a written response or objection to the requested relief with the Clerk of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean A. McGee Avenue, Oklahoma City, OK 73102 no later than 21 days from the date of filing of this request for relief. You should also serve a file stamped copy of your response or objection to the undersigned movant/movant's attorney [and others who are required to be served] and file a certificate of service with the Court. If no response or objection is timely filed, the Court may grant the requested relief without a hearing or further notice.

**The 24 day period includes the three (3) days allowed for mailing provided for in Bankruptcy Rule 9006(f).**

**NOTICE OF HEARING**

**A hearing has been set on November 10, 2015 at 9:45 am in front of the Honorable Judge Janice D. Loyd.**

Respectfully Submitted,

/s/Philip A. Hurtt

PHILIP A. HURTT, OBA #16244

Branch & Hurtt Law Firm, P.C.

1525 S.W. 89<sup>th</sup> Street

Oklahoma City, Oklahoma 73159

Telephone: (405) 634-7600

Facsimile: (405) 634-9306

E-mail: [lacrstaoklaw@coxinet.net](mailto:lacrstaoklaw@coxinet.net)

*Attorney for Debtor*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 28<sup>th</sup> day of September, 2015, a true and correct copy of the Objection to Trustee's Motion to Dismiss was electronically served using the CM/ECF system, namely:

Sean McFarland, John T. Hardeman, Chapter 13 Trustee, and the U.S. Trustee.

First Fidelity Bank @ [BANKRUPTCY@FIRST-FIDELITY.COM](mailto:BANKRUPTCY@FIRST-FIDELITY.COM)  
Oklahoma Employees Credi Union @ [collections@oecu.org](mailto:collections@oecu.org)  
Real Time Resolutions @ [bkdepartment@rtresolutions.com](mailto:bkdepartment@rtresolutions.com)  
OCWEN LOAN SERVICING, LLC, AS SERVICER FOR THE BANK OF  
NEW YORK MELLON F/K/A THE BANK OF NEW YORK, AS TRUSTEE FOR THE  
HOLDERS OF THE GE-WMC ASSET-BACKED PASS-THROUGH  
CERTIFICATES, SERIES 2006-1 @ [bmyers@baer-timberlake.com](mailto:bmyers@baer-timberlake.com); [kjones@baer-timberlake.com](mailto:kjones@baer-timberlake.com) ; [cbogle@baer-timberlake.com](mailto:cbogle@baer-timberlake.com)

Further, I certify that on this 28<sup>th</sup> day of September, 2015, a true and correct copy of the Objection to Trustee's Motion to Dismiss and Motion to Modify Chapter 13 Bankruptcy via U.S. Mail, first class, postage prepaid and properly addressed to the following interested parties:

Darrin R & Pamela D Dunkin  
2509 SW 81<sup>st</sup> Street  
Oklahoma City, OK 73159

Cash King Loans  
1016 SW 59<sup>th</sup> Street  
Oklahoma City, OK 73109-4903

Ou Medical Center  
Resurgent Capital Services  
PO Box 1927  
Greenville, SC 29602-1927

/s/Philip A. Hurtt

Philip A. Hurtt